

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

John Doe
Coplay, PA 18037

(b) County of Residence of First Listed Plaintiff Lehigh

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Justin F. Robinette, THE LAW OFFICES OF ERIC A. SHORE
2 Penn Center, 1500 JFK Blvd Suite 1240, Philadelphia, PA 19102
(215) 944-6121

DEFENDANTS

United States Postal Service and Megan J. Brennan, Postmaster
General, United States Postal Service
1000 Postal Road Side, Allentown PA 18109

County of Residence of First Listed Defendant Lehigh

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Megan E. Medina, Esquire, United States Postal Service
7300 Lindbergh Boulevard, Room 807
Philadelphia, PA 19153. Tel: (215) 351-3827

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 2000e, et seq. (Title VII) and 29 U.S.C. § 791, et seq. (Section 501 of the Rehabilitation Act of 1973)

Brief description of cause:

Wrongful Termination and Harassment/Hostile Work Environment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

150,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/13/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: [REDACTED], Coplay, PA 18037

Address of Defendant: 1000 Postal Road Side, Allentown PA 18109

Place of Accident, Incident or Transaction: 1000 Postal Road Side, Allentown PA 18109

RELATED CASE, IF ANY:

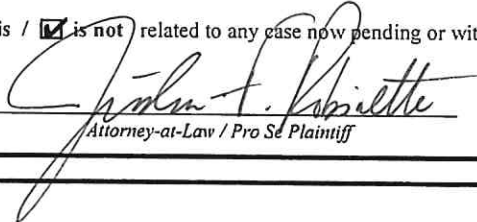
Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/13/2019


Attorney-at-Law / Pro Se Plaintiff

PA 319829

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Justin F. Robinette, counsel of record or pro se plaintiff, do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: 12/13/19


Attorney-at-Law / Pro Se Plaintiff

PA 319829

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

John Doe	:	CIVIL ACTION
	:	
v.	:	
United States Postal Service and Megan J. Brennan,	:	
Postmaster General, United States Postal Service	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

12/13/19	Justin F. Robinette	John Doe
Date	Attorney-at-law	Attorney for
(215) 944-6121	(215) 944-6124	justinr@ericshore.com
Telephone	FAX Number	E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE;

and

MEGAN J. BRENNAN, POSTMASTER
GENERAL, UNITED STATES POSTAL
SERVICE,

Defendants

CASE NO. _____

COMPLAINT

PARTIES

1. Plaintiff, John Doe (hereinafter, “Doe”), is an adult individual who resides at

██, in Coplay, Pennsylvania.

2. Defendant, United States Postal Service (“USPS”), employed Plaintiff for twelve (12) – going on thirteen (13) – years, as a Letter Carrier, at the Allentown-Postal Road Branch of USPS, located at 1000 Postal Road Side, Allentown, PA 18109. This Defendant operates a headquarters, principal place of business, and/or registered office address at 475 L’Enfant Plaza SW, Washington, DC 20260-1100. This Defendant was considered Doe’s employer at all times relevant hereto.

3. Defendant, Megan J. Brennan, is the Postmaster General of the United States Postal Service (“USPS”), which employed Plaintiff. This Defendant operates a headquarters, principal place of business, and/or registered office address at 475 L’Enfant Plaza SW,

Washington, DC 20260-1100. This Defendant was considered Doe's employer at all times relevant hereto. This Defendant is sued in their individual and official capacity.

JURISDICTION AND VENUE

4. This Court has subject-matter jurisdiction over Doe's claims pursuant to 28 U.S.C. § 1331 because the claims present a federal question.

5. This Court has jurisdiction over Defendants because Defendants' contacts with this state and judicial district are sufficient for the exercise of jurisdiction over Defendants to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the Supreme Court of the United States in International Shoe Company v. State of Washington, 326 U.S. 310 (1945), and its progeny.

6. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1)-(2) because Defendants reside in and/or conducts business in this judicial district, and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

COUNT I: WRONGFUL DISCHARGE/TERMINATION BASED ON SEXUAL ORIENTATION IN VIOLATION OF EQUAL PROTECTION UNDER THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (Plaintiff, John Doe v. Defendants, United States Postal Service; and Megan J. Brennan, Postmaster General, United States Postal Service)

7. All of the foregoing paragraphs are hereby incorporated by reference as if the same were more fully set forth at length herein.

8. Courts interpret the Fifth Amendment to the United States' Constitution as imposing on the United States, including the Defendants, the same principles of equal protection established in the Fourteenth Amendment. See Adarand Constructors, Inc. v. Peña, 515 U.S. 200, 213-18 (1995).

9. Doe was employed by the United States Postal Service (“USPS”) as a Letter Carrier since 2007 for just over twelve (12) years. At the time of his wrongful discharge/termination, Doe was one (1) year away from the date at which he would have been eligible for early retirement.

10. Doe identifies as an HIV-positive gay man.

11. A current employee of the USPS, Mr. John Bond, more specifically, a current employee and Letter Carrier for the USPS, previously assigned to the Allentown Post Office-Airport Road Branch, sent Doe the following text messages, on August 10, 2019, informing Doe of derogatory statements made by management and co-employees that referred to Doe’s sexual orientation, to wit:

- a. Doe’s co-employee, a fellow Letter Carrier for USPS, “Steve Wagner, said things like, ‘He’s a sick faggot’”, referring to Doe, an HIV-positive gay man.
- b. Doe’s co-employee, a fellow Letter Carrier for USPS, Ray Lorenz, said things like, “Stinky is a homo,” referring to Doe;
- c. Mr. Lorenz further stated, “[Doe] likes to suck big dick,” referring to Doe by name.
- d. Mr. Lorenz further stated, “He’s gay, dude,” referring to Doe;
- e. Rural Carriers’ Supervisor, Ms. Chamere Pedraja, stated to Qiana Reid, Manager, “I fucking swear to God I’m gonna get his ass fired,” referring specifically to terminating Doe’s employment.

See Exhibit “A,” Text Messages from USPS Employee, John Bond, attached hereto.

12. USPS employee, John Bond, also informed Doe verbally, in or around August 2019, that Mr. Bob Quirk, male Letter Carrier, referred to Doe as “Glinda,” a female witch from *The Wizard of Oz*.

13. USPS employee, John Bond, also stated, in the text messages to Doe attached as Exhibit “A,” that Ms. Qiana Reid, Manager, made a celebratory statement to their staff regarding

Doe's removal. Ms. Reid "announced to the carriers that '[Doe] is finally gone, and will not be coming back.'" See Ex. "A." Doe is believed to be the only openly gay employee, at all times relevant hereto, at the Allentown-Postal Road Branch.

14. USPS employee, John Bond, also stated, in the text messages, that he, himself, experienced discrimination, harassment, and retaliation after Mr. Bond rebuffed the discrimination and harassment of Doe by Mr. Bond stating, "That's his preference," to the harassers, referring to Doe. Preference is also an offensive term that suggests sexual orientation is a matter of choice or tendency. See Ex. "A."

15. USPS employee, John Bond, stated that, after Mr. Bond rebuffed the discrimination and harassment of Doe, Mr. Joe Whitbeck, Letter Carrier and former Vice President of the Local Union, "wouldn't stop calling me names like 'gay boy' and 'dick lover,'" and saying, "[Doe] and Bond are made for each other," referring to Doe by name. See Ex. "A."

16. The following additional incidents were directed at Doe during his employment with Defendants:

a. Separately from the incident where Ms. Chamere Pedraja, Rural Carriers' Supervisor, stated to Ms. Reid, Supervisor/Manager, "I fucking swear to God I'm gonna get his ass fired," referring to Doe, Doe also recollects that, on a separate occasion, in or around the Winter of 2014, Doe specifically entered a room where Ms. Reid was present, and Ms. Reid stated, in front of the other co-employees who were also present, "I'm not playing, I want him fired," in a hostile and aggressive manner, referring to Doe. Doe alleges that he did not do anything at the time, which warranted termination, which otherwise would have prompted the comment. Doe entered the room.

b. Mr. Hophni Masonit, Supervisor/Manager, in or around the Winter of 2018, bullied Doe harshly by physically grabbing Doe on his forearm in a hard and aggressive manner.

c. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, Letter Carrier, said that Mr. Daly would “stick my foot up your ass,” or words to that effect, referring to Doe.

d. Doe recollects, that, during his employment, on a frequent and sometimes daily basis, Mr. Calvin Daly, Letter Carrier, also made comments such as, “Have they fired you yet?”, or words to that effect, referring to Doe.

e. Doe recollects that, in or around 2018, but Doe does not recall a specific timeframe, that Zip Zone Supervisor, Ms. Tina Rosado, took Doe aside and stated that there were complaints from other Letter Carriers – Doe believes Mr. Calvin Daly in particular was one of those who complained – that Doe was wearing shorts which were “too short” and “too tight,” or words to that effect. Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, the person and/or persons who complained about Doe were heterosexual and male.

f. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, male Letter Carrier, stated that Doe’s “shorts were too tight,” or words to that effect, but Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, Mr. Calvin Daly is heterosexual and/or not openly gay.

17. Doe received a Notice of Removal from employment as a Letter Carrier with Defendants which was made effective August 19, 2019.

18. A female supervisor/manager at USPS who, upon information and belief, identifies as heterosexual, Ms. Byrenda Wilson, stated to Doe that a female co-employee who, upon information and belief, identifies as heterosexual – Ms. Lisa Williams – accused Doe of “putting your foot in her asshole,” or words to that effect, which is fabricated and untrue. At the time, Ms. Williams knew Doe is gay. Any reasonable person would not believe, and no investigation ever conducted by

Defendants ever concluded, that Doe – a gay man – put his foot inside of this woman’s anal cavity. Doe was completely repulsed by the allegation.

19. Ms. Williams allegedly changed or shifted the story, after a Notice of Removal was issued to Plaintiff by Defendants, and Ms. Williams stated that Plaintiff “kicked her like a football,” or words to that effect, which is untrue. The two (2) statements from Ms. Williams are inconsistent statements, and she is lying.

20. Ms. Williams also allegedly changed or shifted the story, after a Notice of Removal was issued to Plaintiff by Defendants, when Ms. Williams stated that Plaintiff aggressively kicked her which is not true, and which Doe denies. Ms. Williams is lying.

21. Ms. Williams harbored bias and hate against Doe because of his sexual orientation, and/or on account of gender stereotyping, as evidenced by the fact that Mr. Bond, the current USPS employee and witness identified above, establishes the discriminatory motive, based on sexual orientation and/or gender stereotyping, in the text messages attached as Exhibit “A” hereto, where Mr. Bond states:

The way Mike [Hine, Letter Carrier] had verbalized it to me was that Mike was casing mail one morning. He was telling me that Lisa Williams walked over to him and wanted to switch pivots with him. Mike mention[ed] to her that he appreciated her asking him first... not like [Doe] where he would just grab anyone’s pivot and screw everyone else. Mike then verbalized that Lisa Williams quoted: **‘Yeah, I’m so glad they finally got rid of that fruitcake.’**

See Ex. “A” (emphasis added).

22. Doe was removed from employment by Defendants who informed Doe that “Local police were notified” and “charged you with 18 § 2709 §§ A1, a summary offense – Harassment – Subject other to Physical Contact.” **However, on November 12, 2019, Doe was found not guilty, and the case was dismissed.** Nevertheless, at this point, although the allegation was unfounded, it

was too late as Doe was already terminated for the allegation, which was made against Doe by Ms. Williams because Ms. Williams thought Doe was a “fruitcake.”

23. Originally, on April 20, 2019, Ms. Williams and Doe were initially pulled into the office together, it was decided that no action would be taken at that time, and then both individuals were returned to the floor without any issue.

24. It took Ms. Williams multiple days – it is believed approximately four (4) to six (6) days – to report Doe to the police.

25. The alleged incident occurred in June 2019, it took management fifty-three (53) days to issue a Notice of Removal, and forty (40) days to conduct a pre-disciplinary interview (“PDI”) or investigative interview with Doe.

26. Doe was penalized much more harshly and his punishment far exceeds that of other similarly situated employees who are not openly gay, and to whom Doe compares himself, to wit:

a. Mr. Hophni Masonit, Supervisor/Manager, bullied Doe harshly by physically grabbing Doe on his forearm in a hard and aggressive manner, but was not counseled or disciplined, let alone terminated, for his behavior.

b. Mr. John Bond, Letter Carrier, established in the text messages attached hereto, that Ms. Lisa Williams would actually “push me hard out of the way because I was in her way” multiple times during Mr. Bond’s employment. Apparently, Ms. Williams was never counseled or disciplined, let alone terminated, for her behavior.

c. Ms. Qiana Reid, Supervisor/Manager, put her hands on Nancy Toledo, Supervisor, and Ms. Reid was not terminated for her behavior.

d. Mr. James M., Supervisor/Manager, allegedly poked Mr. John Bond, Letter Carrier, in the eye, in or around October 2001, but, upon information and belief, James M. was not terminated following arbitration.

e. Mr. Joseph Whitbeck, Letter Carrier, and Vice President of the Local Union, allegedly pushed a supervisor in or around December 2011, and was suspended, but was not terminated, and was permitted to keep his job.

f. Mr. Norman L., Letter Carrier, allegedly spit on someone, and also allegedly pushed an employee, but was not terminated.

g. Two (2) female Letter Carriers took a fight outside of the Post Office, to the parking lot of the Post Office, and started fighting including, Doe recollects, pulling each other's hair. Upon information and belief, the removals of these two (2) individuals were not made effective, but rather, they were permitted to take their cases to arbitration, while Doe was not.

h. Mr. Warren K., Letter Carrier, allegedly lost his license due to driving under the influence ("DUI"), and was permitted to keep his job. However, this employee's job duties as a Letter Carrier involved driving a Postal Service-issued vehicle.

i. Mr. Dennis G., Letter Carrier, was allegedly intoxicated on the job, but was given his job back.

27. A motivating factor in Doe's discharge was because the supervisors and co-employees of the Allentown-Postal Road Branch, including Ms. Williams, harbored bias or hate against Doe. The bias or hate harbored against Doe at the Allentown-Postal Road Branch by his supervisors and co-employees, including by Ms. Williams, was motivated by the fact that Doe is gay and/or was perceived to be gay (*i.e.*, a "fruitcake").

28. Ms. Williams brought up the incident against Doe later even though it had already been contemporaneously resolved on the floor without incident because Ms. Williams believed Doe to be a “fruitcake” (*i.e.*, gay and/or perceived to be gay), based on Ms. Williams’ bias and hate.

29. Defendants acceded to Ms. Williams’ discriminatory bias and hate by wrongfully terminating Doe based on Ms. Williams’ bias and hate. Ms. Williams gender-stereotyped Doe and had bias and hate against him because he is openly gay and/or was perceived to be gay (*i.e.*, a “fruitcake”), and Doe’s termination was motivated by Ms. Williams’ bias and hate.

30. Even though the criminal case against Doe was dismissed and the allegation against him was unfounded, Doe’s career, as well as his reputation, have been ruined irreparably.

31. The harassment and hostility Doe faced on account of his actual and/or perceived sexual orientation, gender, gender stereotyping, and/or sex, caused Doe to suffer humiliation, embarrassment, mental anguish, pain and suffering, severe emotional distress, and forced him to incur medical and other expenses related to the same, to wit:

a. Doe was prescribed an anti-depressant on August 15, 2019 by a medical office which indicated that this particular office had not prescribed Doe any anti-depressant before this time. Doe has been forced to incur medical expenses for counseling and psychiatric medications due to Defendants’ conduct.

b. Doe is in a position where he cannot afford the COBRA and does not know how he will be able to pay for the medical expenses for counseling and psychiatric medications, or the medications needed to manage his HIV, in the future. Doe has thus far felt the need to forego medical treatment for a cough, and felt the need to forego allergy shots, because Doe felt he could not afford treatment.

c. Doe's same-sex partner of over twenty-three (23) years has identified that Doe "was a [c]ommitted and loyal public servant for U.S.P.S. His career position meant the world to him. I have noticed since [Doe] was terminated he is very depressed, and lacks motivation even to get [o]ut of bed, this resulted in significant weight gain. He has lost interest in daily activities and things he used to enjoy. His demeanor became zombie like and he rarely smiles."

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, including but not limited to reinstatement; back seniority; counting of continuous service without interruption on account of Plaintiff's wrongful discharge/termination; that Plaintiff will be eligible for retirement without interruption on account of Plaintiff's wrongful discharge/termination; and/or for an amount that will fully and fairly compensate Doe for any and all back and front pay, overtime, seniority, benefits, bonuses, commissions, and any promotions Doe would have received; compensatory damages for pain and suffering, mental anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys' fees, costs of suit; and equitable/injunctive relief requiring that Defendants provide a neutral employment reference for Doe; to adopt, post, and disseminate a non-discrimination and anti-harassment policy which is fully LGBT-inclusive in that it covers sexual orientation including specifically as a protected class separate and apart from, as well as in addition to, the definition of sex; to provide appropriate training in non-discrimination and anti-harassment based on sexual orientation, gender identity, and gender expression; and for Defendants to post notice of the verdict in this matter at the Allentown-Postal Road Branch of the USPS, 1000 Postal Road Side, Allentown, PA 18109.

COUNT II:
WRONGFUL DISCHARGE/TERMINATION BASED ON SEX, GENDER, AND/OR
GENDER STEREOTYPING IN VIOLATION OF EQUAL PROTECTION UNDER THE
DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES
CONSTITUTION
(Plaintiff, John Doe v. Defendants, United States Postal Service; and Megan J. Brennan,
Postmaster General, United States Postal Service)

32. All of the foregoing paragraphs are hereby incorporated by reference as if the same were more fully set forth at length herein.

33. A current employee of the USPS, Mr. John Bond, more specifically, a current employee and Letter Carrier for the USPS, previously assigned to the Allentown Post Office-Airport Road Branch, sent Doe the following text messages, on August 10, 2019, informing Doe of derogatory statements made by management and co-employees that referred to Doe, to wit:

- a. Doe's co-employee, a fellow Letter Carrier for USPS, "Steve Wagner, said things like, 'He's a sick faggot'", referring to Doe, an HIV-positive gay man.
- b. Doe's co-employee, a fellow Letter Carrier for USPS, Ray Lorenz, said things like, "Stinky is a homo," referring to Doe;
- c. Mr. Lorenz further stated, "[Doe] likes to suck big dick," referring to Doe by name.
- d. Mr. Lorenz further stated, "He's gay, dude," referring to Doe;
- e. Rural Carriers' Supervisor, Ms. Chamere Pedraja, stated to Qiana Reid, Manager, "I fucking swear to God I'm gonna get his ass fired," referring specifically to terminating Doe's employment.

See Exhibit "A," Text Messages from USPS Employee, John Bond, attached hereto.

34. USPS employee, John Bond, also informed Doe verbally, in or around August 2019, that Mr. Bob Quirk, male Letter Carrier, referred to Doe as "Glinda," a female witch from *The Wizard of Oz*.

35. USPS employee, John Bond, also stated, in the text messages to Doe attached as Exhibit "A," that Ms. Qiana Reid, Manager, made a celebratory statement to their staff regarding

Doe's removal. Ms. Reid "announced to the carriers that '[Doe] is finally gone, and will not be coming back.'" See Ex. "A." Doe is believed to be the only openly gay employee, at all times relevant hereto, at the Allentown-Postal Road Branch.

36. USPS employee, John Bond, also stated, in the text messages, that he, himself, experienced discrimination, harassment, and retaliation after Mr. Bond rebuffed the discrimination and harassment of Doe by Mr. Bond stating, "That's his preference," to the harassers, referring to Doe. Preference is also an offensive term that suggests sexual orientation is a matter of choice or tendency. See Ex. "A."

37. USPS employee, John Bond, stated that, after Mr. Bond rebuffed the discrimination and harassment of Doe, Mr. Joe Whitbeck, Letter Carrier and former Vice President of the Local Union, "wouldn't stop calling me names like 'gay boy' and 'dick lover,'" and saying, "[Doe] and Bond are made for each other," referring to Doe by name. See Ex. "A."

38. The following additional incidents were directed at Doe during his employment with Defendants:

a. On a separate occasion from the incident where Ms. Chamere Pedraja, Rural Carriers' Supervisor, according to USPS employee, Mr. John Bond, stated to Ms. Reid, Supervisor/Manager, "I fucking swear to God I'm gonna get his ass fired," referring to Doe, Doe also recollects that, on a separate occasion, in or around the Winter of 2014, Doe specifically entered a room where Ms. Reid was present, and Ms. Reid stated, in front of the other co-employees who were also present, "I'm not playing, I want him fired," in a hostile and aggressive manner, referring to Doe. Doe alleges that he did not do anything at the time, which warranted termination, which otherwise would have prompted the comment. Doe entered the room.

b. Mr. Hophni Masonit, Supervisor/Manager, in or around the Winter of 2018, bullied Doe harshly by physically grabbing Doe on his forearm in a hard and aggressive manner.

c. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, Letter Carrier, said that Mr. Daly would “stick my foot up your ass,” or words to that effect, referring to Doe.

d. Doe recollects, that, during his employment, on a frequent and sometimes daily basis, Mr. Calvin Daly, Letter Carrier, also made comments such as, “Have they fired you yet?”, or words to that effect, referring to Doe.

e. Doe recollects that, in or around 2018, but Doe does not recall a specific timeframe, that Zip Zone Supervisor, Ms. Tina Rosado, took Doe aside and stated that there were complaints from other Letter Carriers – Doe believes Mr. Calvin Daly in particular was one of those who complained – that Doe was wearing shorts which were “too short” and “too tight,” or words to that effect. Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, the person and/or persons who complained about Doe were heterosexual and male.

f. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, male Letter Carrier, stated that Doe’s “shorts were too tight,” or words to that effect, but Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, Mr. Calvin Daly is heterosexual and/or not openly gay.

39. Doe received a Notice of Removal from employment as a Letter Carrier with Defendants which was made effective August 19, 2019.

40. A female supervisor/manager at USPS who, upon information and belief, identifies as heterosexual, Ms. Byrenda Wilson, stated to Doe that a female co-employee who, upon information and belief, identifies as heterosexual – Ms. Lisa Williams – accused Doe of “putting your foot in her

asshole,” or words to that effect, which is fabricated and untrue. At the time, Ms. Williams knew Doe is gay. Any reasonable person would not believe, and no investigation ever conducted by Defendants ever concluded, that Doe – a gay man – put his foot inside of this woman’s anal cavity. Doe was completely repulsed by the allegation.

41. Ms. Williams allegedly changed or shifted the story, after a Notice of Removal was issued to Plaintiff by Defendants, and Ms. Williams stated that Plaintiff “kicked her like a football,” or words to that effect, which is untrue. The two (2) statements from Ms. Williams are inconsistent statements, and she is lying.

42. Ms. Williams also allegedly changed or shifted the story, after a Notice of Removal was issued to Plaintiff by Defendants, when Ms. Williams stated that Plaintiff aggressively kicked her which is not true, and which Doe denies. Ms. Williams is lying.

43. Ms. Williams harbored bias and hate against Doe because of his sexual orientation, and/or on account of gender stereotyping, as evidenced by the fact that Mr. Bond, the current USPS employee and witness identified above, establishes the discriminatory motive, based on sexual orientation and/or gender stereotyping, in the text messages attached as Exhibit “A” hereto, where Mr. Bond states:

The way Mike [Hine, Letter Carrier] had verbalized it to me was that Mike was casing mail one morning. He was telling me that Lisa Williams walked over to him and wanted to switch pivots with him. Mike mention[ed] to her that he appreciated her asking him first... not like [Doe] where he would just grab anyone’s pivot and screw everyone else. Mike then verbalized that Lisa Williams quoted: **‘Yeah, I’m so glad they finally got rid of that fruitcake.’**

See Ex. “A” (emphasis added).

44. Doe was removed from employment by Defendants who informed Doe that “Local police were notified” and “charged you with 18 § 2709 §§ A1, a summary offense – Harassment –

Subject other to Physical Contact.” However, on November 12, 2019, Doe was found not guilty, and the case was dismissed. Nevertheless, at this point, although the allegation was unfounded, it was too late as Doe was already terminated for the allegation, which was made against Doe by Ms. Williams because Ms. Williams thought Doe was a “fruitcake.”

45. Doe was penalized much more harshly and his punishment far exceeds that of other similarly situated employees who are not openly gay, and to whom Doe compares himself, above.

46. A motivating factor in Doe’s discharge was because the supervisors and co-employees of the Allentown-Postal Road Branch, including Ms. Williams, harbored bias or hate against Doe. The bias or hate harbored against Doe at the facility by the supervisors and co-employees of the Allentown-Postal Road Branch, including by Ms. Williams, was motivated by the fact that Doe was gender-stereotyped as a “fruitcake,” is gay, and/or was perceived to be gay.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, including but not limited to reinstatement; back seniority; counting of continuous service without interruption on account of Plaintiff’s wrongful discharge/termination; that Plaintiff will be eligible for retirement without interruption on account of Plaintiff’s wrongful discharge/termination; and/or for an amount that will fully and fairly compensate Doe for any and all back and front pay, overtime, seniority, benefits, bonuses, commissions, and any promotions Doe would have received; compensatory damages for pain and suffering, mental anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys’ fees, costs of suit; and equitable/injunctive relief requiring that Defendants provide a neutral employment reference for Doe; to provide appropriate training in non-discrimination and anti-harassment based on sexual orientation, gender identity, and gender expression; and for Defendants to post notice of the

verdict in this matter at the Allentown-Postal Road Branch of the USPS, 1000 Postal Road Side, Allentown, PA 18109.

**COUNT III:
WRONGFUL DISCHARGE/TERMINATION BASED ON DISABILITY IN VIOLATION
OF EQUAL PROTECTION UNDER THE DUE PROCESS CLAUSE OF THE FIFTH
AMENDMENT TO THE UNITED STATES CONSTITUTION
(Plaintiff, John Doe v. Defendants, United States Postal Service; and Megan J. Brennan,
Postmaster General, United States Postal Service)**

47. All of the foregoing paragraphs are hereby incorporated by reference as if the same were more fully set forth at length herein.

48. Doe was wrongfully terminated on account of disability; a record of a disability; and/or because Doe was perceived or regarded as disabled.

49. Doe is HIV-positive. HIV substantially limits the major life function of the immune system. Doe therefore has a covered disability.

50. Upon information and belief, Defendants, including Doe's direct managers/supervisors, had knowledge about and were aware that Doe is HIV-positive. Doe recollects that a medical record submitted by Doe to management regarding the range of motion of Doe's wrist indicated, in the same medical record, that Doe is HIV-positive, and this was inadvertently shared with management at the time.

51. A current employee of the USPS, Mr. John Bond, more specifically, a current employee and Letter Carrier for the USPS, previously assigned to the Allentown Post Office-Airport Road Branch, sent Doe text messages, on August 10, 2019, informing Doe of derogatory statements made by management and co-employees that referred to Doe, including that a fellow Letter Carrier for USPS, "Steve Wagner, said things like, 'He's a sick faggot'", referring to Doe, an HIV-positive gay man, and Letter Carrier, Ray Lorenz, also said things like, "[Doe] likes to suck big dick," referring to Doe by name, and, "He's gay, dude," referring to Doe.

52. Rural Carriers' Supervisor, Ms. Chamere Pedraja, stated to Qiana Reid, Manager, "I fucking swear to God I'm gonna get his ass fired," referring specifically to terminating Doe's employment.

53. USPS employee, John Bond, also stated, in the text messages to Doe attached as Exhibit "A," that Ms. Qiana Reid, Manager, made a celebratory statement to their staff regarding Doe's removal. Ms. Reid "announced to the carriers that '[Doe] is finally gone, and will not be coming back.'"

54. USPS employee, John Bond, stated that, after Mr. Bond rebuffed the discrimination and harassment of Doe, Mr. Joe Whitbeck, Letter Carrier and former Vice President of the Local Union, "wouldn't stop calling me names like 'gay boy' and 'dick lover,'" and saying, "[Doe] and Bond are made for each other," referring to Doe by name.

55. The following additional incidents were directed at Doe during his employment with Defendants:

a. On a separate occasion from the incident where Ms. Chamere Pedraja, Rural Carriers' Supervisor, according to USPS employee, Mr. John Bond, stated to Ms. Reid, Supervisor/Manager, "I fucking swear to God I'm gonna get his ass fired," referring to Doe, Doe also recollects that, on a separate occasion, in or around the Winter of 2014, Doe specifically entered a room where Ms. Reid was present, and Ms. Reid stated, in front of the other co-employees who were also present, "I'm not playing, I want him fired," in a hostile and aggressive manner, referring to Doe. Doe alleges that he did not do anything at the time, which warranted termination, which otherwise would have prompted the comment. Doe entered the room.

b. Mr. Hophni Masonit, Supervisor/Manager, in or around the Winter of 2018, bullied Doe harshly by physically grabbing Doe on his forearm in a hard and aggressive manner.

c. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, Letter Carrier, said that Mr. Daly would “stick my foot up your ass,” or words to that effect, referring to Doe.

d. Doe recollects, that, during his employment, on a frequent and sometimes daily basis, Mr. Calvin Daly, Letter Carrier, also made comments such as, “Have they fired you yet?”, or words to that effect, referring to Doe.

56. Doe received a Notice of Removal from employment as a Letter Carrier with Defendants which was made effective August 19, 2019.

57. A female supervisor/manager at USPS who, upon information and belief, identifies as heterosexual, Ms. Byrenda Wilson, stated to Doe that a female co-employee who, upon information and belief, identifies as heterosexual – Ms. Lisa Williams – accused Doe of “putting your foot in her asshole,” or words to that effect, which is fabricated and untrue. At the time, Ms. Williams knew Doe is gay. Any reasonable person would not believe, and no investigation ever conducted by Defendants ever concluded, that Doe – a gay man – put his foot inside of this woman’s anal cavity. Doe was completely repulsed by the allegation.

58. Ms. Williams harbored bias and hate against Doe, as evidenced by the fact that Mr. Bond, the current USPS employee and witness identified above, establishes the discriminatory motive, in the text messages attached as Exhibit “A” hereto, where Mr. Bond states:

The way Mike [Hine, Letter Carrier] had verbalized it to me was that Mike was casing mail one morning. He was telling me that Lisa Williams walked over to him and wanted to switch pivots with him. Mike mention[ed] to her that he appreciated her asking him first... not like [Doe] where he would just grab anyone’s pivot and screw everyone else. Mike then verbalized that Lisa Williams quoted: **‘Yeah, I’m so glad they finally got rid of that fruitcake.’**

See Ex. “A” (emphasis added).

59. Doe was removed from employment by Defendants who informed Doe that “Local police were notified” and “charged you with 18 § 2709 §§ A1, a summary offense – Harassment – Subject other to Physical Contact.” **However, on November 12, 2019, Doe was found not guilty, and the case was dismissed.** Nevertheless, at this point, although the allegation was unfounded, it was too late as Doe was already terminated for the allegation.

60. Doe was penalized much more harshly and his punishment far exceeds that of other similarly situated employees who, upon information and belief, are not disabled, and to whom Doe compares himself, above.

61. A motivating factor in Doe’s discharge was because the supervisors and co-employees of the Allentown-Postal Road Branch, including Ms. Williams, harbored bias or hate against Doe. The bias or hate harbored against Doe at the facility by the supervisors and co-employees of the Allentown-Postal Road Branch, including by Ms. Williams, was motivated by the fact that Doe was known to be an HIV-positive gay man.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, including but not limited to reinstatement; back seniority; counting of continuous service without interruption on account of Plaintiff’s wrongful discharge/termination; that Plaintiff will be eligible for retirement without interruption on account of Plaintiff’s wrongful discharge/termination; and/or for an amount that will fully and fairly compensate Doe for any and all back and front pay, overtime, seniority, benefits, bonuses, commissions, and any promotions Doe would have received; compensatory damages for pain and suffering, mental anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys’ fees, costs of suit; and equitable/injunctive relief requiring that Defendants provide a neutral employment reference for

Doe; and for Defendants to post notice of the verdict in this matter at the Allentown-Postal Road Branch of the USPS, 1000 Postal Road Side, Allentown, PA 18109.

**COUNT IV:
HOSTILE WORK ENVIRONMENT/HARASSMENT BASED ON SEXUAL
ORIENTATION IN VIOLATION OF EQUAL PROTECTION UNDER THE DUE
PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE UNITED STATES
CONSTITUTION**

**(Plaintiff, John Doe v. Defendants, United States Postal Service; and Megan J. Brennan,
Postmaster General, United States Postal Service)**

62. All of the foregoing paragraphs are hereby incorporated by reference as if the same were more fully set forth at length herein.

63. A current employee of the USPS, Mr. John Bond, more specifically, a current employee and Letter Carrier for the USPS, previously assigned to the Allentown Post Office-Airport Road Branch, sent Doe the following text messages, on August 10, 2019, informing Doe of derogatory statements made by management and co-employees that referred to Doe, to wit:

- a. Doe's co-employee, a fellow Letter Carrier for USPS, "Steve Wagner, said things like, 'He's a sick faggot'", referring to Doe, an HIV-positive gay man.
- b. Doe's co-employee, a fellow Letter Carrier for USPS, Ray Lorenz, said things like, "Stinky is a homo," referring to Doe;
- c. Mr. Lorenz further stated, "[Doe] likes to suck big dick," referring to Doe by name.
- d. Mr. Lorenz further stated, "He's gay, dude," referring to Doe;
- e. Rural Carriers' Supervisor, Ms. Chamere Pedraja, stated to Qiana Reid, Manager, "I fucking swear to God I'm gonna get his ass fired," referring specifically to terminating Doe's employment.

See Exhibit "A," Text Messages from USPS Employee, John Bond, attached hereto.

64. USPS employee, John Bond, also informed Doe verbally, in or around August 2019, that Mr. Bob Quirk, male Letter Carrier, referred to Doe as "Glinda," a female witch from *The Wizard of Oz*.

65. USPS employee, John Bond, also stated, in the text messages to Doe attached as Exhibit “A,” that Ms. Qiana Reid, Manager, made a celebratory statement to their staff regarding Doe’s removal. Ms. Reid “announced to the carriers that ‘[Doe] is finally gone, and will not be coming back.’” See Ex. “A.” Doe is believed to be the only openly gay employee, at all times relevant hereto, at the Allentown-Postal Road Branch.

66. USPS employee, John Bond, also stated, in the text messages, that he, himself, experienced discrimination, harassment, and retaliation after Mr. Bond rebuffed the discrimination and harassment of Doe by Mr. Bond stating, “That’s his preference,” to the harassers, referring to Doe. Preference is also an offensive term that suggests sexual orientation is a matter of choice or tendency. See Ex. “A.”

67. USPS employee, John Bond, stated that, after Mr. Bond rebuffed the discrimination and harassment of Doe, Mr. Joe Whitbeck, Letter Carrier and former Vice President of the Local Union, “wouldn’t stop calling me names like ‘gay boy’ and ‘dick lover,’” and saying, “[Doe] and Bond are made for each other,” referring to Doe by name. See Ex. “A.”

68. The following additional incidents were directed at Doe during his employment with Defendants:

a. On a separate occasion from the incident where Ms. Chamere Pedraja, Rural Carriers’ Supervisor, according to USPS employee, Mr. John Bond, stated to Ms. Reid, Supervisor/Manager, “I fucking swear to God I’m gonna get his ass fired,” referring to Doe, Doe also recollects that, on a separate occasion, in or around the Winter of 2014, Doe specifically entered a room where Ms. Reid was present, and Ms. Reid stated, in front of the other co-employees who were also present, “I’m not playing, I want him fired,” in a hostile and aggressive manner, referring to Doe. Doe alleges that he

did not do anything at the time, which warranted termination, which otherwise would have prompted the comment. Doe entered the room.

b. Mr. Hophni Masonit, Supervisor/Manager, in or around the Winter of 2018, bullied Doe harshly by physically grabbing Doe on his forearm in a hard and aggressive manner.

c. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, Letter Carrier, said that Mr. Daly would “stick my foot up your ass,” or words to that effect, referring to Doe.

d. Doe recollects, that, during his employment, on a frequent and sometimes daily basis, Mr. Calvin Daly, Letter Carrier, also made comments such as, “Have they fired you yet?”, or words to that effect, referring to Doe.

e. Doe recollects that, in or around 2018, but Doe does not recall a specific timeframe, that Zip Zone Supervisor, Ms. Tina Rosado, took Doe aside and stated that there were complaints from other Letter Carriers – Doe believes Mr. Calvin Daly in particular was one of those who complained – that Doe was wearing shorts which were “too short” and “too tight,” or words to that effect. Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, the person and/or persons who complained about Doe were heterosexual and male.

f. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, male Letter Carrier, stated that Doe’s “shorts were too tight,” or words to that effect, but Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, Mr. Calvin Daly is heterosexual and/or not openly gay.

69. Doe received a Notice of Removal from employment as a Letter Carrier with Defendants which was made effective August 19, 2019.

70. A female supervisor/manager at USPS who, upon information and belief, identifies as heterosexual, Ms. Byrenda Wilson, stated to Doe that a female co-employee who, upon information and belief, identifies as heterosexual – Ms. Lisa Williams – accused Doe of “putting your foot in her asshole,” or words to that effect, which is fabricated and untrue. Doe was completely repulsed by the allegation.

71. Ms. Williams harbored bias and hate against Doe because of his sexual orientation, and/or on account of gender stereotyping, as evidenced by the fact that Mr. Bond, the current USPS employee and witness identified above, establishes the discriminatory motive, based on sexual orientation and/or gender stereotyping, in the text messages attached as Exhibit “A” hereto, where Mr. Bond states:

The way Mike [Hine, Letter Carrier] had verbalized it to me was that Mike was casing mail one morning. He was telling me that Lisa Williams walked over to him and wanted to switch pivots with him. Mike mention[ed] to her that he appreciated her asking him first... not like [Doe] where he would just grab anyone’s pivot and screw everyone else. Mike then verbalized that Lisa Williams quoted: **‘Yeah, I’m so glad they finally got rid of that fruitcake.’**

See Ex. “A” (emphasis added).

72. Doe was removed from employment by Defendants who informed Doe that “Local police were notified” and “charged you with 18 § 2709 §§ A1, a summary offense – Harassment – Subject other to Physical Contact.” **However, on November 12, 2019, Doe was found not guilty, and the case was dismissed.** Nevertheless, at this point, although the allegation was unfounded, it was too late as Doe was already terminated for the allegation, which was made against Doe by Ms. Williams because Ms. Williams thought Doe was a “fruitcake.”

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, including but not limited to reinstatement; back seniority; counting of continuous service without

interruption on account of Plaintiff's wrongful discharge/termination; that Plaintiff will be eligible for retirement without interruption on account of Plaintiff's wrongful discharge/termination; and/or for an amount that will fully and fairly compensate Doe for any and all back and front pay, overtime, seniority, benefits, bonuses, commissions, and any promotions Doe would have received; compensatory damages for pain and suffering, mental anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys' fees, costs of suit; and equitable/injunctive relief requiring that Defendants provide a neutral employment reference for Doe; to adopt, post, and disseminate a non-discrimination and anti-harassment policy which is fully LGBT-inclusive in that it covers sexual orientation including specifically as a protected class separate and apart from, as well as in addition to, the definition of sex; to provide appropriate training in non-discrimination and anti-harassment based on sexual orientation, gender identity, and gender expression; and for Defendants to post notice of the verdict in this matter at the Allentown-Postal Road Branch of the USPS, 1000 Postal Road Side, Allentown, PA 18109.

COUNT V:
HOSTILE WORK ENVIRONMENT/HARASSMENT BASED ON SEX, GENDER,
AND/OR GENDER STEREOTYPING IN VIOLATION OF EQUAL PROTECTION
UNDER THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE
UNITED STATES CONSTITUTION
(Plaintiff, John Doe v. Defendants, United States Postal Service; and Megan J. Brennan,
Postmaster General, United States Postal Service)

73. All of the foregoing paragraphs are hereby incorporated by reference as if the same were more fully set forth at length herein.

74. A current employee of the USPS, Mr. John Bond, more specifically, a current employee and Letter Carrier for the USPS, previously assigned to the Allentown Post Office-Airport

Road Branch, sent Doe the following text messages, on August 10, 2019, informing Doe of derogatory statements made by management and co-employees that referred to Doe, to wit:

- a. Doe's co-employee, a fellow Letter Carrier for USPS, "Steve Wagner, said things like, 'He's a sick faggot'", referring to Doe, an HIV-positive gay man.
- b. Doe's co-employee, a fellow Letter Carrier for USPS, Ray Lorenz, said things like, "Stinky is a homo," referring to Doe;
- c. Mr. Lorenz further stated, "[Doe] likes to suck big dick," referring to Doe by name.
- d. Mr. Lorenz further stated, "He's gay, dude," referring to Doe;
- e. Rural Carriers' Supervisor, Ms. Chamere Pedraja, stated to Qiana Reid, Manager, "I fucking swear to God I'm gonna get his ass fired," referring specifically to terminating Doe's employment.

See Exhibit "A," Text Messages from USPS Employee, John Bond, attached hereto.

75. USPS employee, John Bond, also informed Doe verbally, in or around August 2019, that Mr. Bob Quirk, male Letter Carrier, referred to Doe as "Glinda," a female witch from *The Wizard of Oz*.

76. USPS employee, John Bond, also stated, in the text messages to Doe attached as Exhibit "A," that Ms. Qiana Reid, Manager, made a celebratory statement to their staff regarding Doe's removal. Ms. Reid "announced to the carriers that '[Doe] is finally gone, and will not be coming back.'" See Ex. "A." Doe is believed to be the only openly gay employee, at all times relevant hereto, at the Allentown-Postal Road Branch.

77. USPS employee, John Bond, also stated, in the text messages, that he, himself, experienced discrimination, harassment, and retaliation after Mr. Bond rebuffed the discrimination and harassment of Doe by Mr. Bond stating, "That's his preference," to the harassers, referring to Doe. Preference is also an offensive term that suggests sexual orientation is a matter of choice or tendency. See Ex. "A."

78. USPS employee, John Bond, stated that, after Mr. Bond rebuffed the discrimination and harassment of Doe, Mr. Joe Whitbeck, Letter Carrier and former Vice President of the Local Union, “wouldn’t stop calling me names like ‘gay boy’ and ‘dick lover,’” and saying, “[Doe] and Bond are made for each other,” referring to Doe by name. See Ex. “A.”

79. The following additional incidents were directed at Doe during his employment with Defendants:

a. On a separate occasion from the incident where Ms. Chamere Pedraja, Rural Carriers’ Supervisor, according to USPS employee, Mr. John Bond, stated to Ms. Reid, Supervisor/Manager, “I fucking swear to God I’m gonna get his ass fired,” referring to Doe, Doe also recollects that, on a separate occasion, in or around the Winter of 2014, Doe specifically entered a room where Ms. Reid was present, and Ms. Reid stated, in front of the other co-employees who were also present, “I’m not playing, I want him fired,” in a hostile and aggressive manner, referring to Doe. Doe alleges that he did not do anything at the time, which warranted termination, which otherwise would have prompted the comment. Doe entered the room.

b. Mr. Hophni Masonit, Supervisor/Manager, in or around the Winter of 2018, bullied Doe harshly by physically grabbing Doe on his forearm in a hard and aggressive manner.

c. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, Letter Carrier, said that Mr. Daly would “stick my foot up your ass,” or words to that effect, referring to Doe.

d. Doe recollects, that, during his employment, on a frequent and sometimes daily basis, Mr. Calvin Daly, Letter Carrier, also made comments such as, “Have they fired you yet?”, or words to that effect, referring to Doe.

e. Doe recollects that, in or around 2018, but Doe does not recall a specific timeframe, that Zip Zone Supervisor, Ms. Tina Rosado, took Doe aside and stated that there were complaints from other Letter Carriers – Doe believes Mr. Calvin Daly in particular was one of those who complained – that Doe was wearing shorts which were “too short” and “too tight,” or words to that effect. Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, the person and/or persons who complained about Doe were heterosexual and male.

f. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, male Letter Carrier, stated that Doe’s “shorts were too tight,” or words to that effect, but Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, Mr. Calvin Daly is heterosexual and/or not openly gay.

80. Doe received a Notice of Removal from employment as a Letter Carrier with Defendants which was made effective August 19, 2019.

81. A female supervisor/manager at USPS who, upon information and belief, identifies as heterosexual, Ms. Byrenda Wilson, stated to Doe that a female co-employee who, upon information and belief, identifies as heterosexual – Ms. Lisa Williams – accused Doe of “putting your foot in her asshole,” or words to that effect, which is fabricated and untrue. Doe was completely repulsed by the allegation.

82. Ms. Williams harbored bias and hate against Doe because of his sexual orientation, and/or on account of gender stereotyping, as evidenced by the fact that Mr. Bond, the current USPS employee and witness identified above, establishes the discriminatory motive, based on sexual orientation and/or gender stereotyping, in the text messages attached as Exhibit “A” hereto, where Mr. Bond states:

The way Mike [Hine, Letter Carrier] had verbalized it to me was that Mike was casing mail one morning. He was telling me that Lisa Williams walked over to him and wanted to switch pivots with him. Mike mention[ed] to her that he appreciated her asking him first... not like [Doe] where he would just grab anyone's pivot and screw everyone else. Mike then verbalized that Lisa Williams quoted: **'Yeah, I'm so glad they finally got rid of that fruitcake.'**

See Ex. "A" (emphasis added).

83. Doe was removed from employment by Defendants who informed Doe that "Local police were notified" and "charged you with 18 § 2709 §§ A1, a summary offense – Harassment – Subject other to Physical Contact." **However, on November 12, 2019, Doe was found not guilty, and the case was dismissed.** Nevertheless, at this point, although the allegation was unfounded, it was too late as Doe was already terminated for the allegation, which was made against Doe by Ms. Williams because Ms. Williams thought Doe was a "fruitcake."

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, including but not limited to reinstatement; back seniority; counting of continuous service without interruption on account of Plaintiff's wrongful discharge/termination; that Plaintiff will be eligible for retirement without interruption on account of Plaintiff's wrongful discharge/termination; and/or for an amount that will fully and fairly compensate Doe for any and all back and front pay, overtime, seniority, benefits, bonuses, commissions, and any promotions Doe would have received; compensatory damages for pain and suffering, mental anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys' fees, costs of suit; and equitable/injunctive relief requiring that Defendants provide a neutral employment reference for Doe; to provide appropriate training in non-discrimination and anti-harassment based on sexual orientation, gender identity, and gender expression; and for Defendants to post notice of the

verdict in this matter at the Allentown-Postal Road Branch of the USPS, 1000 Postal Road Side, Allentown, PA 18109.

**COUNT VI:
HOSTILE WORK ENVIRONMENT/HARASSMENT BASED ON DISABILITY IN
VIOLATION OF EQUAL PROTECTION UNDER THE DUE PROCESS CLAUSE OF
THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION
(Plaintiff, John Doe v. Defendants, United States Postal Service; and Megan J. Brennan,
Postmaster General, United States Postal Service)**

84. All of the foregoing paragraphs are hereby incorporated by reference as if the same were more fully set forth at length herein.

85. Doe is HIV-positive. HIV substantially limits the major life function of the immune system. Doe therefore has a covered disability.

86. Doe was subjected to a hostile work environment/harassment based on disability; Doe's record of a disability; and/or because Doe was perceived or regarded as disabled.

87. Upon information and belief, Defendants, including Doe's direct managers/supervisors, had knowledge about and were aware that Doe is HIV-positive. Doe recollects that a medical record submitted by Doe to management regarding the range of motion of Doe's wrist indicated, in the same medical record, that Doe is HIV-positive, and this was inadvertently shared with management at the time.

88. A current employee of the USPS, Mr. John Bond, more specifically, a current employee and Letter Carrier for the USPS, previously assigned to the Allentown Post Office-Airport Road Branch, sent Doe the following text messages, on August 10, 2019, informing Doe of derogatory statements made by management and co-employees that referred to Doe, to wit:

- a. Doe's co-employee, a fellow Letter Carrier for USPS, "Steve Wagner, said things like, 'He's a sick faggot'", referring to Doe, an HIV-positive gay man.
- b. Doe's co-employee, a fellow Letter Carrier for USPS, Ray Lorenz, said things like, "Stinky is a homo," referring to Doe;

- c. Mr. Lorenz further stated, “[Doe] likes to suck big dick,” referring to Doe by name.
- d. Mr. Lorenz further stated, “He’s gay, dude,” referring to Doe;
- e. Rural Carriers’ Supervisor, Ms. Chamere Pedraja, stated to Qiana Reid, Manager, “I fucking swear to God I’m gonna get his ass fired,” referring specifically to terminating Doe’s employment.

See Exhibit “A,” Text Messages from USPS Employee, John Bond, attached hereto.

89. USPS employee, John Bond, also informed Doe verbally, in or around August 2019, that Mr. Bob Quirk, male Letter Carrier, referred to Doe as “Glinda,” a female witch from *The Wizard of Oz*.

90. USPS employee, John Bond, also stated, in the text messages to Doe attached as Exhibit “A,” that Ms. Qiana Reid, Manager, made a celebratory statement to their staff regarding Doe’s removal. Ms. Reid “announced to the carriers that ‘[Doe] is finally gone, and will not be coming back.’” See Ex. “A.” Doe is believed to be the only openly gay employee, at all times relevant hereto, at the Allentown-Postal Road Branch.

91. USPS employee, John Bond, also stated, in the text messages, that he, himself, experienced discrimination, harassment, and retaliation after Mr. Bond rebuffed the discrimination and harassment of Doe by Mr. Bond stating, “That’s his preference,” to the harassers, referring to Doe. Preference is also an offensive term that suggests sexual orientation is a matter of choice or tendency. See Ex. “A.”

92. USPS employee, John Bond, stated that, after Mr. Bond rebuffed the discrimination and harassment of Doe, Mr. Joe Whitbeck, Letter Carrier and former Vice President of the Local Union, “wouldn’t stop calling me names like ‘gay boy’ and ‘dick lover,’” and saying, “[Doe] and Bond are made for each other,” referring to Doe by name. See Ex. “A.”

93. The following additional incidents were directed at Doe during his employment with Defendants:

a. On a separate occasion from the incident where Ms. Chamere Pedraja, Rural Carriers' Supervisor, according to USPS employee, Mr. John Bond, stated to Ms. Reid, Supervisor/Manager, "I fucking swear to God I'm gonna get his ass fired," referring to Doe, Doe also recollects that, on a separate occasion, in or around the Winter of 2014, Doe specifically entered a room where Ms. Reid was present, and Ms. Reid stated, in front of the other co-employees who were also present, "I'm not playing, I want him fired," in a hostile and aggressive manner, referring to Doe. Doe alleges that he did not do anything at the time, which warranted termination, which otherwise would have prompted the comment. Doe entered the room.

b. Mr. Hophni Masonit, Supervisor/Manager, in or around the Winter of 2018, bullied Doe harshly by physically grabbing Doe on his forearm in a hard and aggressive manner.

c. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, Letter Carrier, said that Mr. Daly would "stick my foot up your ass," or words to that effect, referring to Doe.

d. Doe recollects, that, during his employment, on a frequent and sometimes daily basis, Mr. Calvin Daly, Letter Carrier, also made comments such as, "Have they fired you yet?", or words to that effect, referring to Doe.

94. Doe received a Notice of Removal from employment as a Letter Carrier with Defendants which was made effective August 19, 2019.

95. A female supervisor/manager at USPS who, upon information and belief, identifies as heterosexual, Ms. Byrenda Wilson, stated to Doe that a female co-employee who, upon information and belief, identifies as heterosexual – Ms. Lisa Williams – accused Doe of "putting your foot in her

asshole,” or words to that effect, which is fabricated and untrue. Doe was completely repulsed by the allegation.

96. Ms. Williams harbored bias and hate against Doe, as evidenced by the fact that Mr. Bond, the current USPS employee and witness identified above, establishes the discriminatory motive, in the text messages attached as Exhibit “A” hereto, where Mr. Bond states:

The way Mike [Hine, Letter Carrier] had verbalized it to me was that Mike was casing mail one morning. He was telling me that Lisa Williams walked over to him and wanted to switch pivots with him. Mike mention[ed] to her that he appreciated her asking him first... not like [Doe] where he would just grab anyone’s pivot and screw everyone else. Mike then verbalized that Lisa Williams quoted: **‘Yeah, I’m so glad they finally got rid of that fruitcake.’**

See Ex. “A” (emphasis added).

97. Doe was removed from employment by Defendants who informed Doe that “Local police were notified” and “charged you with 18 § 2709 §§ A1, a summary offense – Harassment – Subject other to Physical Contact.” **However, on November 12, 2019, Doe was found not guilty, and the case was dismissed.** Nevertheless, at this point, although the allegation was unfounded, it was too late as Doe was already terminated for the allegation, which was made against Doe by Ms. Williams because Ms. Williams harbored bias and hate against Doe because he is an HIV-positive gay man.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, including but not limited to reinstatement; back seniority; counting of continuous service without interruption on account of Plaintiff’s wrongful discharge/termination; that Plaintiff will be eligible for retirement without interruption on account of Plaintiff’s wrongful discharge/termination; and/or for an amount that will fully and fairly compensate Doe for any and all back and front pay, overtime, seniority, benefits, bonuses, commissions, and any promotions Doe would have received; compensatory damages for pain and suffering, mental

anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys' fees, costs of suit; and equitable/injunctive relief requiring that Defendants provide a neutral employment reference for Doe; and for Defendants to post notice of the verdict in this matter at the Allentown-Postal Road Branch of the USPS, 1000 Postal Road Side, Allentown, PA 18109.

COUNT VII:
WRONGFUL DISCHARGE/TERMINATION BASED ON SEX, GENDER, AND/OR
GENDER STEREOTYPING IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS
ACT OF 1964, 42 U.S.C. § 2000e, et seq.
(Plaintiff, John Doe v. Defendants, United States Postal Service; and Megan J. Brennan,
Postmaster General, United States Postal Service)

98. All of the foregoing paragraphs are hereby incorporated by reference as if the same were more fully set forth at length herein.

99. A current employee of the USPS, Mr. John Bond, more specifically, a current employee and Letter Carrier for the USPS, previously assigned to the Allentown Post Office-Airport Road Branch, sent Doe the following text messages, on August 10, 2019, informing Doe of derogatory statements made by management and co-employees that referred to Doe, to wit:

- a. Doe's co-employee, a fellow Letter Carrier for USPS, "Steve Wagner, said things like, 'He's a sick faggot'", referring to Doe, an HIV-positive gay man.
- b. Doe's co-employee, a fellow Letter Carrier for USPS, Ray Lorenz, said things like, "Stinky is a homo," referring to Doe;
- c. Mr. Lorenz further stated, "[Doe] likes to suck big dick," referring to Doe by name.
- d. Mr. Lorenz further stated, "He's gay, dude," referring to Doe;
- e. Rural Carriers' Supervisor, Ms. Chamere Pedraja, stated to Qiana Reid, Manager, "I fucking swear to God I'm gonna get his ass fired," referring specifically to terminating Doe's employment.

See Exhibit "A," Text Messages from USPS Employee, John Bond, attached hereto.

100. USPS employee, John Bond, also informed Doe verbally, in or around August 2019, that Mr. Bob Quirk, male Letter Carrier, referred to Doe as “Glinda,” a female witch from *The Wizard of Oz*.

101. USPS employee, John Bond, also stated, in the text messages to Doe attached as Exhibit “A,” that Ms. Qiana Reid, Manager, made a celebratory statement to their staff regarding Doe’s removal. Ms. Reid “announced to the carriers that ‘[Doe] is finally gone, and will not be coming back.’” See Ex. “A.” Doe is believed to be the only openly gay employee, at all times relevant hereto, at the Allentown-Postal Road Branch.

102. USPS employee, John Bond, also stated, in the text messages, that he, himself, experienced discrimination, harassment, and retaliation after Mr. Bond rebuffed the discrimination and harassment of Doe by Mr. Bond stating, “That’s his preference,” to the harassers, referring to Doe. Preference is also an offensive term that suggests sexual orientation is a matter of choice or tendency. See Ex. “A.”

103. USPS employee, John Bond, stated that, after Mr. Bond rebuffed the discrimination and harassment of Doe, Mr. Joe Whitbeck, Letter Carrier and former Vice President of the Local Union, “wouldn’t stop calling me names like ‘gay boy’ and ‘dick lover,’” and saying, “[Doe] and Bond are made for each other,” referring to Doe by name. See Ex. “A.”

104. The following additional incidents were directed at Doe during his employment with Defendants:

a. On a separate occasion from the incident where Ms. Chamere Pedraja, Rural Carriers’ Supervisor, according to USPS employee, Mr. John Bond, stated to Ms. Reid, Supervisor/Manager, “I fucking swear to God I’m gonna get his ass fired,” referring to Doe, Doe also recollects that, on a separate occasion, in or around the Winter of 2014, Doe specifically entered a room where Ms. Reid

was present, and Ms. Reid stated, in front of the other co-employees who were also present, “I’m not playing, I want him fired,” in a hostile and aggressive manner, referring to Doe. Doe alleges that he did not do anything at the time, which warranted termination, which otherwise would have prompted the comment. Doe entered the room.

b. Mr. Hophni Masonit, Supervisor/Manager, in or around the Winter of 2018, bullied Doe harshly by physically grabbing Doe on his forearm in a hard and aggressive manner.

c. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, Letter Carrier, said that Mr. Daly would “stick my foot up your ass,” or words to that effect, referring to Doe.

d. Doe recollects, that, during his employment, on a frequent and sometimes daily basis, Mr. Calvin Daly, Letter Carrier, also made comments such as, “Have they fired you yet?”, or words to that effect, referring to Doe.

e. Doe recollects that, in or around 2018, but Doe does not recall a specific timeframe, that Zip Zone Supervisor, Ms. Tina Rosado, took Doe aside and stated that there were complaints from other Letter Carriers – Doe believes Mr. Calvin Daly in particular was one of those who complained – that Doe was wearing shorts which were “too short” and “too tight,” or words to that effect. Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, the person and/or persons who complained about Doe were heterosexual and male.

f. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, male Letter Carrier, stated that Doe’s “shorts were too tight,” or words to that effect, but Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, Mr. Calvin Daly is heterosexual and/or not openly gay.

105. Doe received a Notice of Removal from employment as a Letter Carrier with Defendants which was made effective August 19, 2019.

106. A female supervisor/manager at USPS who, upon information and belief, identifies as heterosexual, Ms. Byrenda Wilson, stated to Doe that a female co-employee who, upon information and belief, identifies as heterosexual – Ms. Lisa Williams – accused Doe of “putting your foot in her asshole,” or words to that effect, which is fabricated and untrue. At the time, Ms. Williams knew Doe is gay. Any reasonable person would not believe, and no investigation ever conducted by Defendants ever concluded, that Doe – a gay man – put his foot inside of this woman’s anal cavity. Doe was completely repulsed by the allegation.

107. Ms. Williams allegedly changed or shifted the story, after a Notice of Removal was issued to Plaintiff by Defendants, and Ms. Williams stated that Plaintiff “kicked her like a football,” or words to that effect, which is untrue. The two (2) statements from Ms. Williams are inconsistent statements, and she is lying.

108. Ms. Williams also allegedly changed or shifted the story, after a Notice of Removal was issued to Plaintiff by Defendants, when Ms. Williams stated that Plaintiff aggressively kicked her which is not true, and which Doe denies. Ms. Williams is lying.

109. Ms. Williams harbored bias and hate against Doe because of his sexual orientation, and/or on account of gender stereotyping, as evidenced by the fact that Mr. Bond, the current USPS employee and witness identified above, establishes the discriminatory motive, based on sexual orientation and/or gender stereotyping, in the text messages attached as Exhibit “A” hereto, where Mr. Bond states:

The way Mike [Hine, Letter Carrier] had verbalized it to me was that Mike was casing mail one morning. He was telling me that Lisa Williams walked over to him and wanted to switch pivots with him. Mike mention[ed] to her that he appreciated her asking him first... not like [Doe] where he would just grab anyone’s pivot and

screw everyone else. Mike then verbalized that Lisa Williams quoted: **‘Yeah, I’m so glad they finally got rid of that fruitcake.’**

See Ex. “A” (emphasis added).

110. Doe was removed from employment by Defendants who informed Doe that “Local police were notified” and “charged you with 18 § 2709 §§ A1, a summary offense – Harassment – Subject other to Physical Contact.” **However, on November 12, 2019, Doe was found not guilty, and the case was dismissed.** Nevertheless, at this point, although the allegation was unfounded, it was too late as Doe was already terminated for the allegation, which was made against Doe by Ms. Williams because Ms. Williams thought Doe was a “fruitcake.”

111. Doe was penalized much more harshly and his punishment far exceeds that of other similarly situated employees who are not openly gay, and to whom Doe compares himself, above.

112. A motivating factor in Doe’s discharge was because the supervisors and co-employees of the Allentown-Postal Road Branch, including Ms. Williams, harbored bias or hate against Doe. The bias or hate harbored against Doe at the facility by the supervisors and co-employees of the Allentown-Postal Road Branch, including by Ms. Williams, was motivated by sex, the fact that Doe was gender-stereotyped as a “fruitcake,” is gay, and/or was perceived to be gay.

113. Doe exhausted his Collective Bargaining Agreement’s (“CBA’s”) negotiated grievance procedure, exhausted his Step A and Step B appeals, and requested arbitration although the union denied those requests and indicated to Doe that they will not be permitting arbitration in his case.

114. Doe preserved his sexual orientation/gender stereotyping discrimination claim through the grievance process.

115. Doe therefore exhausted his administrative remedies as a Federal employee as this forecloses or precludes election of the EEO administrative procedure to challenge the adverse

employment action, and Doe may now file in court *immediately* against USPS for sexual orientation/gender stereotyping discrimination under Title VII of the Civil Rights Act of 1964. See 5 U.S.C. § 7121(d), (e)(1); 29 C.F.R. § 1614.107(a)(4).

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, including but not limited to reinstatement; back seniority; counting of continuous service without interruption on account of Plaintiff's wrongful discharge/termination; that Plaintiff will be eligible for retirement without interruption on account of Plaintiff's wrongful discharge/termination; and/or for an amount that will fully and fairly compensate Doe for any and all back and front pay, overtime, seniority, benefits, bonuses, commissions, and any promotions Doe would have received; compensatory damages for pain and suffering, mental anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys' fees, costs of suit; and equitable/injunctive relief requiring that Defendants provide a neutral employment reference for Doe; to provide appropriate training in non-discrimination and anti-harassment based on sexual orientation, gender identity, and gender expression; and for Defendants to post notice of the verdict in this matter at the Allentown-Postal Road Branch of the USPS, 1000 Postal Road Side, Allentown, PA 18109.

COUNT VIII:
HARASSMENT/HOSTILE WORK ENVIRONMENT BASED ON SEX, GENDER,
AND/OR GENDER STEREOTYPING IN VIOLATION OF TITLE VII OF THE CIVIL
RIGHTS ACT OF 1964, 42 U.S.C. § 2000e, et seq.
(Plaintiff, John Doe v. Defendants, United States Postal Service; and Megan J. Brennan,
Postmaster General, United States Postal Service)

116. All of the foregoing paragraphs are hereby incorporated by reference as if the same were more fully set forth at length herein.

117. A current employee of the USPS, Mr. John Bond, more specifically, a current employee and Letter Carrier for the USPS, previously assigned to the Allentown Post Office-Airport Road Branch, sent Doe the following text messages, on August 10, 2019, informing Doe of derogatory statements made by management and co-employees that referred to Doe, to wit:

- a. Doe's co-employee, a fellow Letter Carrier for USPS, "Steve Wagner, said things like, 'He's a sick faggot'", referring to Doe, an HIV-positive gay man.
- b. Doe's co-employee, a fellow Letter Carrier for USPS, Ray Lorenz, said things like, "Stinky is a homo," referring to Doe;
- c. Mr. Lorenz further stated, "[Doe] likes to suck big dick," referring to Doe by name.
- d. Mr. Lorenz further stated, "He's gay, dude," referring to Doe;
- e. Rural Carriers' Supervisor, Ms. Chamere Pedraja, stated to Qiana Reid, Manager, "I fucking swear to God I'm gonna get his ass fired," referring specifically to terminating Doe's employment.

See Exhibit "A," Text Messages from USPS Employee, John Bond, attached hereto.

118. USPS employee, John Bond, also informed Doe verbally, in or around August 2019, that Mr. Bob Quirk, male Letter Carrier, referred to Doe as "Glinda," a female witch from *The Wizard of Oz*.

119. USPS employee, John Bond, also stated, in the text messages to Doe attached as Exhibit "A," that Ms. Qiana Reid, Manager, made a celebratory statement to their staff regarding Doe's removal. Ms. Reid "announced to the carriers that '[Doe] is finally gone, and will not be coming back.'" See Ex. "A." Doe is believed to be the only openly gay employee, at all times relevant hereto, at the Allentown-Postal Road Branch.

120. USPS employee, John Bond, also stated, in the text messages, that he, himself, experienced discrimination, harassment, and retaliation after Mr. Bond rebuffed the discrimination and harassment of Doe by Mr. Bond stating, "That's his preference," to the harassers, referring to

Doe. Preference is also an offensive term that suggests sexual orientation is a matter of choice or tendency. See Ex. “A.”

121. USPS employee, John Bond, stated that, after Mr. Bond rebuffed the discrimination and harassment of Doe, Mr. Joe Whitbeck, Letter Carrier and former Vice President of the Local Union, “wouldn’t stop calling me names like ‘gay boy’ and ‘dick lover,’” and saying, “[Doe] and Bond are made for each other,” referring to Doe by name. See Ex. “A.”

122. The following additional incidents were directed at Doe during his employment with Defendants:

a. On a separate occasion from the incident where Ms. Chamere Pedraja, Rural Carriers’ Supervisor, according to USPS employee, Mr. John Bond, stated to Ms. Reid, Supervisor/Manager, “I fucking swear to God I’m gonna get his ass fired,” referring to Doe, Doe also recollects that, on a separate occasion, in or around the Winter of 2014, Doe specifically entered a room where Ms. Reid was present, and Ms. Reid stated, in front of the other co-employees who were also present, “I’m not playing, I want him fired,” in a hostile and aggressive manner, referring to Doe. Doe alleges that he did not do anything at the time, which warranted termination, which otherwise would have prompted the comment. Doe entered the room.

b. Mr. Hophni Masonit, Supervisor/Manager, in or around the Winter of 2018, bullied Doe harshly by physically grabbing Doe on his forearm in a hard and aggressive manner.

c. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, Letter Carrier, said that Mr. Daly would “stick my foot up your ass,” or words to that effect, referring to Doe.

d. Doe recollects, that, during his employment, on a frequent and sometimes daily basis, Mr. Calvin Daly, Letter Carrier, also made comments such as, “Have they fired you yet?”, or words to that effect, referring to Doe.

e. Doe recollects that, in or around 2018, but Doe does not recall a specific timeframe, that Zip Zone Supervisor, Ms. Tina Rosado, took Doe aside and stated that there were complaints from other Letter Carriers – Doe believes Mr. Calvin Daly in particular was one of those who complained – that Doe was wearing shorts which were “too short” and “too tight,” or words to that effect. Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, the person and/or persons who complained about Doe were heterosexual and male.

f. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, male Letter Carrier, stated that Doe’s “shorts were too tight,” or words to that effect, but Doe was wearing the Postal Service-prescribed uniform shorts. Upon information and belief, Mr. Calvin Daly is heterosexual and/or not openly gay.

123. Doe received a Notice of Removal from employment as a Letter Carrier with Defendants which was made effective August 19, 2019.

124. A female supervisor/manager at USPS who, upon information and belief, identifies as heterosexual, Ms. Byrenda Wilson, stated to Doe that a female co-employee who, upon information and belief, identifies as heterosexual – Ms. Lisa Williams – accused Doe of “putting your foot in her asshole,” or words to that effect, which is fabricated and untrue. Doe was completely repulsed by the allegation.

125. Ms. Williams harbored bias and hate against Doe because of his sexual orientation, and/or on account of gender stereotyping, as evidenced by the fact that Mr. Bond, the current USPS employee and witness identified above, establishes the discriminatory motive, based on sexual

orientation and/or gender stereotyping, in the text messages attached as Exhibit “A” hereto, where Mr. Bond states:

The way Mike [Hine, Letter Carrier] had verbalized it to me was that Mike was casing mail one morning. He was telling me that Lisa Williams walked over to him and wanted to switch pivots with him. Mike mention[ed] to her that he appreciated her asking him first... not like [Doe] where he would just grab anyone’s pivot and screw everyone else. Mike then verbalized that Lisa Williams quoted: **‘Yeah, I’m so glad they finally got rid of that fruitcake.’**

See Ex. “A” (emphasis added).

126. Doe was removed from employment by Defendants who informed Doe that “Local police were notified” and “charged you with 18 § 2709 §§ A1, a summary offense – Harassment – Subject other to Physical Contact.” **However, on November 12, 2019, Doe was found not guilty, and the case was dismissed.** Nevertheless, at this point, although the allegation was unfounded, it was too late as Doe was already terminated for the allegation, which was made against Doe by Ms. Williams because Ms. Williams thought Doe was a “fruitcake.”

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, including but not limited to reinstatement; back seniority; counting of continuous service without interruption on account of Plaintiff’s wrongful discharge/termination; that Plaintiff will be eligible for retirement without interruption on account of Plaintiff’s wrongful discharge/termination; and/or for an amount that will fully and fairly compensate Doe for any and all back and front pay, overtime, seniority, benefits, bonuses, commissions, and any promotions Doe would have received; compensatory damages for pain and suffering, mental anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys’ fees, costs of suit; and equitable/injunctive relief requiring that Defendants provide a neutral employment reference for

Doe; to provide appropriate training in non-discrimination and anti-harassment based on sexual orientation, gender identity, and gender expression; and for Defendants to post notice of the verdict in this matter at the Allentown-Postal Road Branch of the USPS, 1000 Postal Road Side, Allentown, PA 18109.

**COUNT IX:
WRONGFUL DISCHARGE/TERMINATION BASED ON DISABILITY IN VIOLATION
OF SECTION 501 OF THE REHABILITATION ACT OF 1973, AS AMENDED,
29 U.S.C. § 791, et seq.
(Plaintiff, John Doe v. Defendants, United States Postal Service; and Megan J. Brennan,
Postmaster General, United States Postal Service)**

127. All of the foregoing paragraphs are hereby incorporated by reference as if the same were more fully set forth at length herein.

128. Section 501 of the Rehabilitation Act of 1973, as amended, at 29 U.S.C. § 791, et seq., applies to employees of the Federal government, including the Plaintiff.

129. Doe was wrongfully terminated on account of disability; a record of a disability; and/or because Doe was perceived or regarded as disabled, in violation of Section 501.

130. Doe is HIV-positive. HIV substantially limits the major life function of the immune system. Doe therefore has a covered disability.

131. Upon information and belief, Defendants, including Doe's direct managers/supervisors, had knowledge about and were aware that Doe is HIV-positive. Doe recollects that a medical record submitted by Doe to management regarding the range of motion of Doe's wrist indicated, in the same medical record, that Doe is HIV-positive, and this was inadvertently shared with management at the time.

132. A current employee of the USPS, Mr. John Bond, more specifically, a current employee and Letter Carrier for the USPS, previously assigned to the Allentown Post Office-Airport Road Branch, sent Doe text messages, on August 10, 2019, informing Doe of derogatory statements

made by management and co-employees that referred to Doe, including that a fellow Letter Carrier for USPS, “Steve Wagner, said things like, ‘He’s a sick faggot’”, referring to Doe, and Letter Carrier, Ray Lorenz, said things like, “[Doe] likes to suck big dick,” referring to Doe by name, and, “He’s gay, dude,” referring to Doe, an HIV-positive gay man.

133. Rural Carriers’ Supervisor, Ms. Chamere Pedraja, stated to Qiana Reid, Manager, “I fucking swear to God I’m gonna get his ass fired,” referring specifically to terminating Doe’s employment.

134. USPS employee, John Bond, also stated, in the text messages to Doe attached as Exhibit “A,” that Ms. Qiana Reid, Manager, made a celebratory statement to their staff regarding Doe’s removal. Ms. Reid “announced to the carriers that ‘[Doe] is finally gone, and will not be coming back.’”

135. USPS employee, John Bond, stated that, after Mr. Bond rebuffed the discrimination and harassment of Doe, Mr. Joe Whitbeck, Letter Carrier and former Vice President of the Local Union, “wouldn’t stop calling me names like ‘gay boy’ and ‘dick lover,’” and saying, “[Doe] and Bond are made for each other,” referring to Doe by name.

136. The following additional incidents were directed at Doe during his employment with Defendants:

a. On a separate occasion from the incident where Ms. Chamere Pedraja, Rural Carriers’ Supervisor, according to USPS employee, Mr. John Bond, stated to Ms. Reid, Supervisor/Manager, “I fucking swear to God I’m gonna get his ass fired,” referring to Doe, Doe also recollects that, on a separate occasion, in or around the Winter of 2014, Doe specifically entered a room where Ms. Reid was present, and Ms. Reid stated, in front of the other co-employees who were also present, “I’m not playing, I want him fired,” in a hostile and aggressive manner, referring to Doe. Doe alleges that he

did not do anything at the time, which warranted termination, which otherwise would have prompted the comment. Doe entered the room.

b. Mr. Hophni Masonit, Supervisor/Manager, in or around the Winter of 2018, bullied Doe harshly by physically grabbing Doe on his forearm in a hard and aggressive manner.

c. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, Letter Carrier, said that Mr. Daly would “stick my foot up your ass,” or words to that effect, referring to Doe.

d. Doe recollects, that, during his employment, on a frequent and sometimes daily basis, Mr. Calvin Daly, Letter Carrier, also made comments such as, “Have they fired you yet?”, or words to that effect, referring to Doe.

137. Doe received a Notice of Removal from employment as a Letter Carrier with Defendants which was made effective August 19, 2019.

138. A female supervisor/manager at USPS who, upon information and belief, identifies as heterosexual, Ms. Byrenda Wilson, stated to Doe that a female co-employee who, upon information and belief, identifies as heterosexual – Ms. Lisa Williams – accused Doe of “putting your foot in her asshole,” or words to that effect, which is fabricated and untrue. At the time, Ms. Williams knew Doe is gay. Any reasonable person would not believe, and no investigation ever conducted by Defendants ever concluded, that Doe – a gay man – put his foot inside of this woman’s anal cavity. Doe was completely repulsed by the allegation.

139. Ms. Williams harbored bias and hate against Doe, as evidenced by the fact that Mr. Bond, the current USPS employee and witness identified above, establishes the discriminatory motive, in the text messages attached as Exhibit “A” hereto, where Mr. Bond states:

The way Mike [Hine, Letter Carrier] had verbalized it to me was that Mike was casing mail one morning. He was telling me that Lisa Williams walked over to him and wanted to switch pivots with him. Mike mention[ed] to her that he appreciated her asking him first... not like [Doe] where he would just grab anyone's pivot and screw everyone else. Mike then verbalized that Lisa Williams quoted: **'Yeah, I'm so glad they finally got rid of that fruitcake.'**

See Ex. "A" (emphasis added).

140. Doe was removed from employment by Defendants who informed Doe that "Local police were notified" and "charged you with 18 § 2709 §§ A1, a summary offense – Harassment – Subject other to Physical Contact." **However, on November 12, 2019, Doe was found not guilty, and the case was dismissed.** Nevertheless, at this point, although the allegation was unfounded, it was too late as Doe was already terminated for the allegation.

141. Doe was penalized much more harshly and his punishment far exceeds that of other similarly situated employees who, upon information and belief, are not disabled, and to whom Doe compares himself, above.

142. A motivating factor in Doe's discharge was because the supervisors and co-employees of the Allentown-Postal Road Branch, including Ms. Williams, harbored bias or hate against Doe. The bias or hate harbored against Doe at the facility by the supervisors and co-employees of the Allentown-Postal Road Branch, including by Ms. Williams, was motivated by the fact that Doe is an HIV-positive gay man.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, including but not limited to reinstatement; back seniority; counting of continuous service without interruption on account of Plaintiff's wrongful discharge/termination; that Plaintiff will be eligible for retirement without interruption on account of Plaintiff's wrongful discharge/termination; and/or for an amount that will fully and fairly compensate Doe for any and all back and front pay, overtime, seniority, benefits, bonuses, commissions, and any promotions Doe would have received; compensatory

damages for pain and suffering, mental anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys' fees, costs of suit; and equitable/injunctive relief requiring that Defendants provide a neutral employment reference for Doe; and for Defendants to post notice of the verdict in this matter at the Allentown-Postal Road Branch of the USPS, 1000 Postal Road Side, Allentown, PA 18109.

COUNT X:
HOSTILE WORK ENVIRONMENT/HARASSMENT BASED ON DISABILITY IN
VIOLATION OF SECTION 501 OF THE REHABILITATION ACT OF 1973, AS
AMENDED, 29 U.S.C. § 791, et seq.
(Plaintiff, John Doe v. Defendants, United States Postal Service; and Megan J. Brennan,
Postmaster General, United States Postal Service)

143. All of the foregoing paragraphs are hereby incorporated by reference as if the same were more fully set forth at length herein.

144. Doe was subjected to a hostile work environment/harassment based on disability; Doe's record of a disability; and/or because Doe was perceived or regarded as disabled.

145. A current employee of the USPS, Mr. John Bond, more specifically, a current employee and Letter Carrier for the USPS, previously assigned to the Allentown Post Office-Airport Road Branch, sent Doe the following text messages, on August 10, 2019, informing Doe of derogatory statements made by management and co-employees that referred to Doe, to wit:

- a. Doe's co-employee, a fellow Letter Carrier for USPS, "Steve Wagner, said things like, 'He's a sick faggot'", referring to Doe, an HIV-positive gay man.
- b. Doe's co-employee, a fellow Letter Carrier for USPS, Ray Lorenz, said things like, "Stinky is a homo," referring to Doe;
- c. Mr. Lorenz further stated, "[Doe] likes to suck big dick," referring to Doe by name.
- d. Mr. Lorenz further stated, "He's gay, dude," referring to Doe;

- e. Rural Carriers' Supervisor, Ms. Chamere Pedraja, stated to Qiana Reid, Manager, "I fucking swear to God I'm gonna get his ass fired," referring specifically to terminating Doe's employment.

See Exhibit "A," Text Messages from USPS Employee, John Bond, attached hereto.

146. USPS employee, John Bond, also informed Doe verbally, in or around August 2019, that Mr. Bob Quirk, male Letter Carrier, referred to Doe as "Glinda," a female witch from *The Wizard of Oz*.

147. USPS employee, John Bond, also stated, in the text messages to Doe attached as Exhibit "A," that Ms. Qiana Reid, Manager, made a celebratory statement to their staff regarding Doe's removal. Ms. Reid "announced to the carriers that '[Doe] is finally gone, and will not be coming back.'" See Ex. "A." Doe is believed to be the only openly gay employee, at all times relevant hereto, at the Allentown-Postal Road Branch.

148. USPS employee, John Bond, also stated, in the text messages, that he, himself, experienced discrimination, harassment, and retaliation after Mr. Bond rebuffed the discrimination and harassment of Doe by Mr. Bond stating, "That's his preference," to the harassers, referring to Doe. Preference is also an offensive term that suggests sexual orientation is a matter of choice or tendency. See Ex. "A."

149. USPS employee, John Bond, stated that, after Mr. Bond rebuffed the discrimination and harassment of Doe, Mr. Joe Whitbeck, Letter Carrier and former Vice President of the Local Union, "wouldn't stop calling me names like 'gay boy' and 'dick lover,'" and saying, "[Doe] and Bond are made for each other," referring to Doe by name. See Ex. "A."

150. The following additional incidents were directed at Doe during his employment with Defendants:

a. On a separate occasion from the incident where Ms. Chamere Pedraja, Rural Carriers' Supervisor, according to USPS employee, Mr. John Bond, stated to Ms. Reid, Supervisor/Manager, "I fucking swear to God I'm gonna get his ass fired," referring to Doe, Doe also recollects that, on a separate occasion, in or around the Winter of 2014, Doe specifically entered a room where Ms. Reid was present, and Ms. Reid stated, in front of the other co-employees who were also present, "I'm not playing, I want him fired," in a hostile and aggressive manner, referring to Doe. Doe alleges that he did not do anything at the time, which warranted termination, which otherwise would have prompted the comment. Doe entered the room.

b. Mr. Hophni Masonit, Supervisor/Manager, in or around the Winter of 2018, bullied Doe harshly by physically grabbing Doe on his forearm in a hard and aggressive manner.

c. Doe recollects, but does not recall a specific timeframe, that, during his employment, Mr. Calvin Daly, Letter Carrier, said that Mr. Daly would "stick my foot up your ass," or words to that effect, referring to Doe.

d. Doe recollects, that, during his employment, on a frequent and sometimes daily basis, Mr. Calvin Daly, Letter Carrier, also made comments such as, "Have they fired you yet?", or words to that effect, referring to Doe.

151. Doe received a Notice of Removal from employment as a Letter Carrier with Defendants which was made effective August 19, 2019.

152. A female supervisor/manager at USPS who, upon information and belief, identifies as heterosexual, Ms. Byrenda Wilson, stated to Doe that a female co-employee who, upon information and belief, identifies as heterosexual – Ms. Lisa Williams – accused Doe of "putting your foot in her asshole," or words to that effect, which is fabricated and untrue. Doe was completely repulsed by the allegation.

153. Ms. Williams harbored bias and hate against Doe as evidenced by the fact that Mr. Bond, the current USPS employee and witness identified above, establishes the discriminatory motive, in the text messages attached as Exhibit “A” hereto, where Mr. Bond states:

The way Mike [Hine, Letter Carrier] had verbalized it to me was that Mike was casing mail one morning. He was telling me that Lisa Williams walked over to him and wanted to switch pivots with him. Mike mention[ed] to her that he appreciated her asking him first... not like [Doe] where he would just grab anyone’s pivot and screw everyone else. Mike then verbalized that Lisa Williams quoted: **‘Yeah, I’m so glad they finally got rid of that fruitcake.’**

See Ex. “A” (emphasis added).

154. Doe was removed from employment by Defendants who informed Doe that “Local police were notified” and “charged you with 18 § 2709 §§ A1, a summary offense – Harassment – Subject other to Physical Contact.” **However, on November 12, 2019, Doe was found not guilty, and the case was dismissed.** Nevertheless, at this point, although the allegation was unfounded, it was too late as Doe was already terminated for the allegation, which was made against Doe by Ms. Williams because Ms. Williams harbored bias and hate against Doe.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants, including but not limited to reinstatement; back seniority; counting of continuous service without interruption on account of Plaintiff’s wrongful discharge/termination; that Plaintiff will be eligible for retirement without interruption on account of Plaintiff’s wrongful discharge/termination; and/or for an amount that will fully and fairly compensate Doe for any and all back and front pay, overtime, seniority, benefits, bonuses, commissions, and any promotions Doe would have received; compensatory damages for pain and suffering, mental anguish, anxiety, depression, humiliation, embarrassment, and emotional distress; punitive damages; pre- and post-judgment interest, reasonable attorneys’ fees, costs of suit; and equitable/injunctive relief requiring that Defendants provide a neutral

employment reference for Doe; and for Defendants to post notice of the verdict in this matter at the Allentown-Postal Road Branch of the USPS, 1000 Postal Road Side, Allentown, PA 18109.

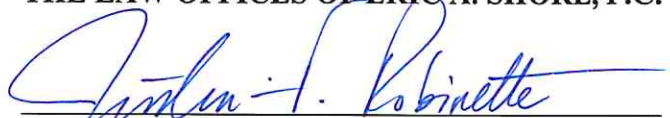
JURY DEMAND

Doe hereby requests a trial by jury of eight (8) members on all counts so triable.

Respectfully submitted,

THE LAW OFFICES OF ERIC A. SHORE, P.C.

DATED: 12/13/2019



JUSTIN F. ROBINETTE, ESQUIRE

Attorney I.D. No. 319829

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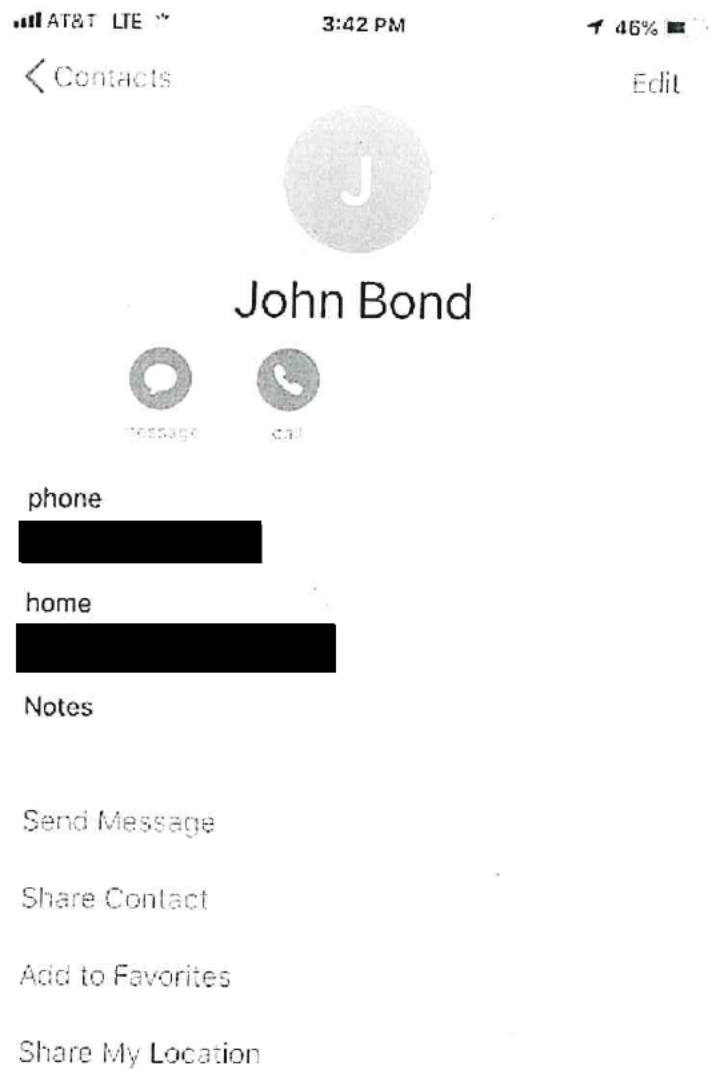
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E-mail: JustinR@EricShore.com

Attorney for Plaintiff, John Doe

EXHIBIT “A”



AT&T LTE

10:12 AM

92%



John Bond

Sat, Aug 10, 7:47 PM

The way Mike had verbalized it to me was that Mike was casing mail one the morning. He was telling me that Lisa William's walked over to him and wanted to switch pivots with him. Mike mention to her that he appreciated her asking him first... not like [REDACTED] where he would just grab anyone's pivot and screw everyone else. Mike then verbalized that Lisa William's quoted: "Yeah, I'm so glad they finally got rid of that fruitcake".

The way that Mike verbalized it to me on August 8th was that apparently Qiana had made an announcement to the mail carriers, which I'm guessing was during the morning safety talk: that "[REDACTED] is gone, and will not be coming back". When I talked with Mike Hein again, on August 9 at around 12:40 pm, Mike confirmed that Qiana did in fact make that announcement, and also confirmed that Lisa William's did in fact make that "fruitcake" comment.



AT&T LTE

3:50 PM

44%



John Bond

Sat, Aug 30, 2:11 PM

I would walk up to ask for a 3996,
and I had to stand there and wait for
her and Chamere to finish their
personal conversations, some
which were about you

I can be call a1 time when Qiana
was chatting with Chamere about
how you should be fired for bringing
mail back because of darkness. I
remember Chamere responding to
Qiana in that same conversation: "I
fucking swear to God I'm gonna get
his ass fired". They could say
anything about anybody and
nothing disciplinary would ever
happen to them. I also remember
Chamere verbalizing: If that were
me I'd be fired because I'm black...
bunch of racists in here".

Wow I can't believe I remembered
that



AT&T LTE

10:15 AM

91%



John Bond

Mon, Aug 13, 8:43 PM

██████████, when I worked there at the Allentown P.O. I remember certain carriers saying thing offensive, if not insulting things about you. For example, Steve Wagner said things like "he's a sick faggot". I told him "c'mon we're Christian's here". Of course I got nagged on for that.

Ray Lorenz said a lot of things along that line too. I remember him saying things like "Stinky" is a homo", and ██████████ likes to suck big dick". He's gay dude". Ever since I responded to him "that's his preference", I was shunned from him talking to me. Other guys there "followed suit" in that they started harassing me. I stopped going to union meetings because Joe Whitbeck wouldn't stop calling me names like "gay boy" and "dick lover", ██████████ & Bond made for each other", and other things like that. Then Whitbeck tried forcing me to pay him for grievance money he threw in my pay check and I told him I



AT&T LTE

10:30 AM

87%



John Bond

Text Message
Sat, Aug 10, 2:42 PM

Also, Qiana apparently announced to the carriers that "[REDACTED] is finally gone, and will not be coming back".

When did she say that?

Also there were times where Lisa Williams would push me hard out of the way because I was in her way. Keanu was so aggressive that she try to get me fired when I told I was off o'clock and would not be coming in on my day off the next day. She was using verbal prophetic language at me, give me a direct order to stay put, knowing that I told her I was already off the clock. She got that manager who's name was Dan to come over, while she did that I punched back on the clock again. They both were yelling and screaming at me in front of all the carriers. After about 5 minutes of that verbal and nasty abused towards me, I went home and still did not come in the next day as I

